

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

SOLAE, LLC,  
a Delaware limited liability company, )  
Plaintiff, )  
vs. )  
HERSHEY CANADA INC., ) Civil Action No. 07-140-JJF  
an Ontario, Canada corporation, )  
Defendant. )

## DECLARATION OF JAMES KUEHL

1. On April 17, 2007, I executed a declaration in support of Hershey Canada's motion to dismiss the Complaint in the above-referenced case. That declaration was filed in this Court on April 18, 2007.
2. In connection with my preparation of an affidavit to be filed in the Ontario Superior Court of Justice in a related pending matter, I noticed a statement in my April 17, 2007 declaration that requires correction.
3. In paragraph 15 of the April 17, 2007 declaration, I stated that I sent a transfer order to Keith Chapman at Wills Warehouse for the soy lecithin shipment on PO #4500257993 to be delivered to Hershey Canada's Smiths Falls facility. Upon further reflection, I believe that it was a colleague of mine at Hershey Canada, and not me, who transmitted that transfer order to Wills Warehouse.
4. I continue to believe that all other statements appearing in my April 17, 2007 declaration are factually accurate.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 27, 2007

James Kuehl

of the United States of Amer  
J. F. C.  
ch1

**CERTIFICATE OF SERVICE**

I hereby certify that on April 30, 2007, I electronically filed the foregoing with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following and which has also been served as noted:

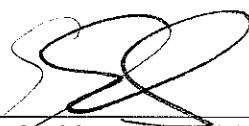
**BY HAND**

P. Clarkson Collins, Jr.  
Katherine J. Neikirk  
Morris James, LLP  
500 Delaware Avenue, Suite 1500  
Wilmington, Delaware 19899

I further certify that on April 30, 2007, the foregoing document was sent to the following non-registered participants in the manner indicated:

**VIA FEDERAL EXPRESS**

Scott L. Winkelman  
Monica M. Welt  
Crowell & Moring LLP  
1001 Pennsylvania Ave. N.W.  
Washington, D.C. 20004-2595



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